

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 19-cr-20453  
Honorable Jonathan J.C. Grey

vs.

D-4 David R. Calderone, Jr., D.P.M.,

Defendant.

---

**STIPULATED ORDER OF FORFEITURE**

---

Plaintiff, by and through its undersigned attorneys, together with the defendant David R. Calderone, Jr., D.P.M. (“defendant”), by and through his attorney, Jerome Sabbota, submit this Stipulated Order of Forfeiture for immediate entry, and stipulate and agree to the following:

Pursuant to 18 U.S.C. § 982(a)(7) and/or 18 U.S.C. § 981(a)(1)(C) together with 28 U.S.C. § 2461(c), and based upon the defendant’s guilty plea to Count One of the Superseding Information, a violation of 18 U.S.C. § 371, the forfeiture provisions of the Rule 11 Plea Agreement, this Stipulation, and other information in the record, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED**

**THAT:**

1. A forfeiture money judgment in the amount of Eighty-Five Thousand Dollars (\$85,000.00), representing the gross proceeds that the defendant personally obtained as a result of his participation in the conspiracy, is granted and entered against the defendant in favor of the United States of America (“Money Judgment”).

2. The Money Judgment shall become final upon entry because ancillary proceedings are not applicable for a money judgment. Based on the Rule 11 Plea Agreement, this Stipulation, and the record in this case, the Court finds that the Money Judgment represents the total amount of proceeds that the defendant obtained as a result of his commission of the offense(s).

3. The Money Judgment shall be made part of the defendant’s sentence and included in his Judgment. The Government may undertake discovery to satisfy the Money Judgment, under the Federal Rules of Civil Procedure.

4. The Money Judgment may be satisfied, to whatever extent possible, from any property owned or under the control of the defendant. To satisfy the Money Judgment, any assets that the defendant has now, or may later acquire may be forfeited as substitute assets under 21 U.S.C. § 853(p)(2). The defendant waives and relinquishes his right to oppose the forfeiture of substitute assets under 21 U.S.C. § 853(p)(1) or otherwise. The United States is permitted to undertake whatever discovery is necessary to identify, locate, or dispose of property subject

to forfeiture, or substitute assets under Federal Rule of Criminal Procedure 32.2(b)(3). The Money Judgment shall be reduced by any assets seized from the defendant and forfeited to the United States.

5. The defendant's counsel, Jerome Sabbota, affirms that he has discussed the forfeiture money judgment with the defendant and that the defendant consents to the entry of this Stipulated Order of Forfeiture.

6. The Court retains jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Agreed as to form and substance:

Dawn N. Ison  
United States Attorney

S/ K. Craig Welkener  
K. Craig Welkener (DC 1033585)  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
(313) 226-0248  
Kenton.Welkener@usdoj.gov

S/Jerome Sabbota (with consent)  
Jerome Sabbota  
Counsel for David R. Calderone, Jr., D.P.M.  
jerry@ribitwersabbota.com

Dated: May 13, 2024

Dated: May 13, 2024

\*\*\*\*\*

**IT IS SO ORDERED.**

Dated: June 7, 2024

s/Jonathan J.C. Grey  
Honorable Jonathan J.C. Grey  
United States District Court Judge

### **Certificate of Service**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 7, 2024.

s/ **Amanda Chubb**

Amanda Chubb

Case Manager